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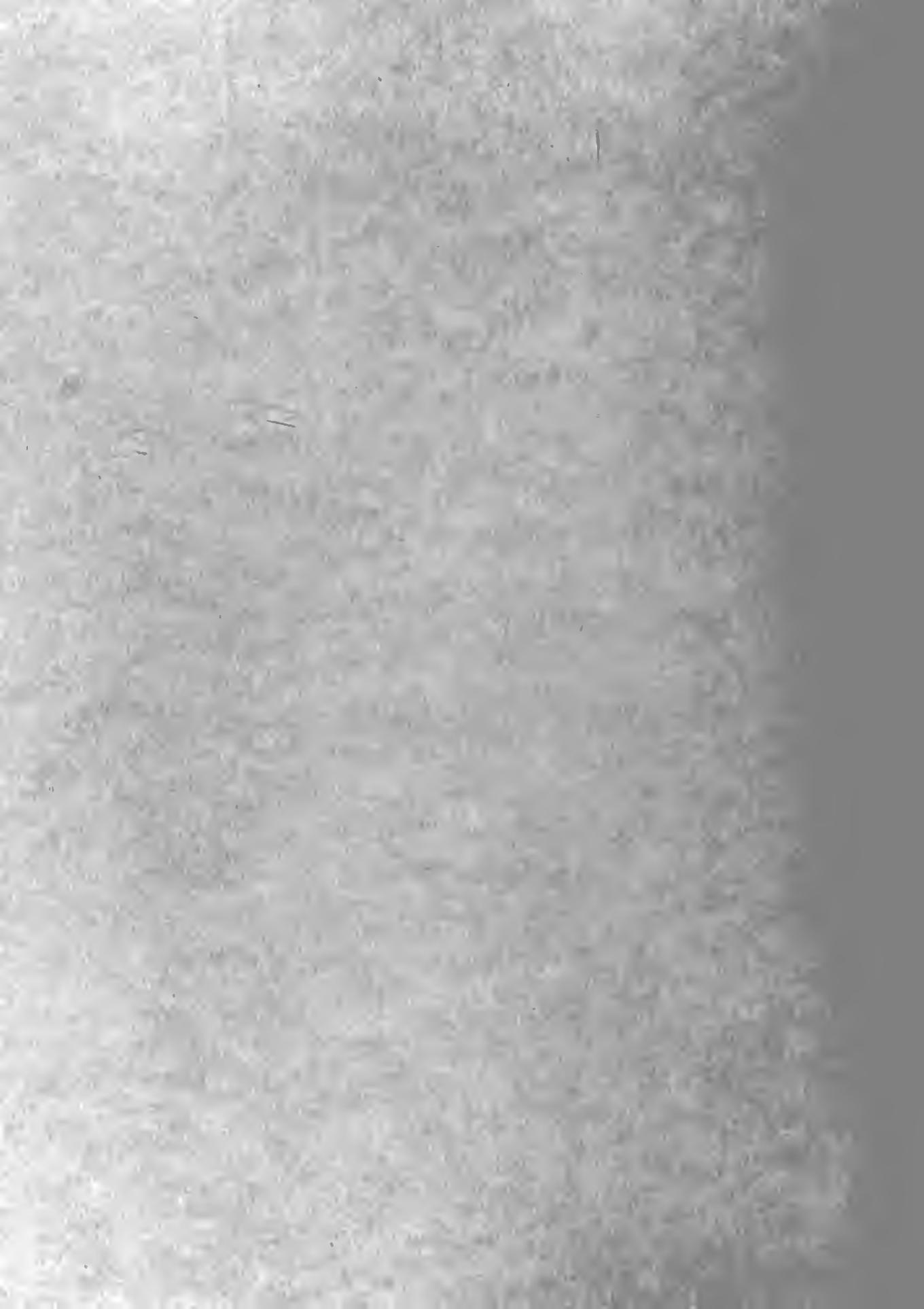
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**THE STEWARDSHIP OF THE LAND:
A Selected Bibliography of Current Readings**

Pam Daniels, Librarian
NYS Office of Planning Services
Albany, New York

Mrs. Mary Vance, Editor
Post Office Box 229
Monticello, Illinois 61856



THE STEWARDSHIP OF THE LANDA Selected Bibliography of Current Readings

by

Pan Daniels, Librarian
NYS Office of Planning Services
488 Broadway
Albany, New York

TABLE OF CONTENTS

	Page
I. National Goals	
A. Growth and Settlement Policy	1
B. Land Use Objectives	2
C. Policy Overview	4
D. Background Sources	5
II. The States: Goals and Policies (Foreword)	7
A. Statewide Reports	7
B. Summary of State Land Use Laws	9

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II. THE STATES: GOALS AND POLICIES

Foreword

The "Statewide Reports" have been selected on the basis of their currency (none earlier than 1968) as well as for their attempts to formulate policy on a statewide level. In some cases, as in North Carolina, a 'development strategy' is actually set forth and is an excellent example of land use policymaking. Other reports were included on the basis of treatment on a statewide level of a special focus of study, such as New Jersey's transportation plan.

The SPECIAL REPORT: A SUMMARY OF STATE LAND USE LAWS is an excerpt from Volume I, Number 1 of Land Use Planning Reports which is published Bi-Weekly by Plus Publications, Inc. in Washington, D. C. This compilation is an excellent indication of the kinds of policies currently being implemented in various states. An updated, expanded listing is soon to be published by Plus Publications and should not be overlooked by planners in the field.

A. Statewide Reports:

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Texas. Goals for Texas; phase I. 1969.

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B. SPECIAL REPORT: A SUMMARY OF STATE LAND USE LAWS

Ten years ago, Hawaii was the only state with land use controls. Now California, Colorado, Florida, Maine and Vermont have asserted strong planning authority to directly control their land, and many other legislatures and administrations are considering such programs. Several approaches to land use planning emerge today among the states:

Zoning of all land. So far seen exclusively in Hawaii, Vermont and Maine's unorganized territories, this ultimate recognition of land as a finite resource may foreshadow the planning of the future.

Coastal zone restrictions. The noisy controversies over strong coastal restrictions in Delaware and California attest to the fact that the coast is where the action really is. Landlocked states have so far seen little action on state land use planning.

State intervention when localities fail to act. This principle is the keystone (some say the weakness) of Colorado's statewide plan, and plays a role in the development controls of other states, such as floodplain zoning in New Jersey and Montana and coastal zone management in Washington and Maine.

Environmentally critical areas and regionally significant development. The backbone of the American Law Institute Model Land Development Code and of proposed Federal requirements for state land use plans, these two categories of state jurisdiction offer a compromise with the local planning/zoning ethic. Florida's Land and Water Management Law is the best example. Maine's site Location Law concentrates on regional significance. The many state wetland laws, often enacted without anticipation of comprehensive controls, concentrate on critical environments.

Short of comprehensive statewide controls, most states have picked up a critical issue or two -- such as strip mining, power plant siting or wetland development -- for uniform regulation. Below is a summary of current and proposed state land use laws. A more detailed version will be available from LUP Reports next month as a separate report.

ALABAMA: State has constitutional jurisdiction in power-plant siting; surface mining regulated; 1969 law authorizes creation of state planning and development districts and allows counties and municipalities to establish regional planning and development districts.

ALASKA: Local governments control planning in their jurisdictions, with some state supervision of subdivision regulations; Joint Federal-State Land Use Planning Commission is preparing planning procedure for most of state; Federally owned lands cover 97 percent of state.

ARIZONA: State has been studying growth and development policy in preparation for statewide planning to conserve resources and channel urban growth; Department of Economic Planning and Development has developed a computer model (Arizona Trade Off Model) to evaluate and correlate economic development and environmental effects; state jurisdiction in power plant siting.

CALIFORNIA: Voter-approved 1972 Coastal Zone Conservation Act gives permit authority over all coastal development within 1000 yards of mean high tide to a state and six regional commissions pending 1976 completion of land use plan for coastal area five miles inland and three miles seaward; regulations implementing State Supreme Court requirement for impact statements on private as well as public projects expected to define almost all construction and development as environmentally significant; legislature again considers state planning for and acquisition of open space, state regulation of power plant siting.

COLORADO: Land Use Commission has prepared interim state plan, final plan due in December, counties expected to maintain most planning control, although Commission holds rarely used overruling power; Senate Bill 35 (1972) requires counties to develop subdivision regulations requiring developers to have adequate water supply, plans for sewage, utilities, social services (does not apply to about 2 million acres of land that were already for sale).

CONNECTICUT: Coastal wetlands regulated, may be acquired by Department of Environmental Protection; unique classification of wetlands by vegetation as well as by hydrology; development on inland wetlands and rivers subject to municipal regulation with some state supervision; utilities must certify need and environmental compatibility before construction; mining unregulated; farm, forest, open space lands taxed at decreasing levels as period of ownership increases; taxation generally based on actual use.

DELAWARE: Heavy industry banned within two miles of coast; plan in legislature for state acquisition and regulation of coastal wetlands to limit residential and light commercial development would freeze development on about 40 percent of wetlands; offshore bulk transfer terminals barred.

FLORIDA: 1972 Land and Water Management Act authorizes state to zone critical areas (not to exceed five percent of state) and development of regional impact, designates state agency to propose and adopt comprehensive land plan; voter-approved 1972 Land Conservation Act authorizes \$240 million in bonds for state acquisition of environmentally endangered coastal lands, recreational lands; 1972 Water Resources Act directs development of state water use plan, puts all water resources under state regulation; 1972 law prohibits oil, gas drilling one mile seaward of coast, provides state review of Federal offshore leases.

GEORGIA: Eighteen Area Planning and Development Commissions with mainly economic orientation; House of Representatives Subcommittee on State Land Use and Local Zoning held hearings last year; proposed legislation expected to concentrate on forcing implementation of regional plans rather than defining procedures; 1970 Coastal Marshlands Protection Act requires permits for dredging or filling in tidelands; legal controversy over Act concerning state zoning authority and ownership claims.

HAWAII: 1961 law classifies land for use as urban, rural, agricultural, conservation (counties administer urban lands); one result: higher urban land prices.

IDAHO: Senate bill 1111 would designate state planning agency with exclusive authority to permit development in critical areas and development of regional benefit and impact (basic industry, transportation systems, power facilities and water and solid waste systems).

ILLINOIS: Thirteen areawide planning organizations state-chartered mainly in urban areas; strip mining regulated; power plant siting legislation pending.

INDIANA: Fourteen planning and development regions created in 1970 cover state, not yet fully organized; state completing inventory of resources and present land use, to be followed by development over four years of statewide plan.

IOWA: Legislature considering establishment of Land Use Commission to recommend policy for enactment; computer model to evaluate and correlate effects of highway development in preparation.

KANSAS: Land Management Committee of Advisory Council on Ecology studying state agency land management activities as initial step toward compliance with anticipated Federal action.

KENTUCKY: State conservancy districts completing inventory of present use and capability, water and mineral resources, population and growth patterns; strip mining regulated.

MAINE: 1970 Site Location Law requires permit for any commercial and industrial development, developments over 20 acres, mining or drilling, structures totalling 60,000 square feet floor area; Land Use Regulation Commission holding hearings to complete classification of unorganized territories covering north half of state into protection, management, holding, development; Mandatory Zoning and Sub-division Control Act of 1971 requires localities to zone, but not necessarily plan for, land within 250 feet of navigable water by mid-1973 (implementation suffers from fund shortage and confusing advisory guidelines); legislature considering Coastal Development Corporation Act to limit coastal heavy industry to two zones at Portland and Machiasport, limit oil industry to Portland zone.

MARYLAND: Land use bills in both houses attracting much public attention, controversy over state role in setting standards for subdivisions, coastal zone; committee reports expected soon; bill to limit and share development rights in each subdivision also in committee; 1971 law limits power plants to state-owned, certified sites; state regulates coastal wetlands.

MASSACHUSETTS: State agencies working to coordinate Federal grants for pollution, coastal zone, rural development, community and transportation planning; 1965 Coastal Wetlands Act authorizes state regulation prior to development; 1972 Wetlands Protection Act requires local permits, subject to state veto, for dredging or filling of inland wetlands; Zoning Appeals Law allows challenges to zoning restricting dispersal of low or moderate income housing (court challenge of law in progress).

MICHIGAN: Thirteen regional planning authorities cover state; bill reintroduced to create land planning agency (would control development in critical areas and of regional impact), establish tax structure to preserve open space and farm land; state wetlands plan, comprehensive Detroit shoreline plan in preparation; five-day unconditional right of rescission on purchases from offerings over 10 lots effective April 1.

MINNESOTA: Twin Cities Metro Council provides regional planning, revenue sharing for public facilities; state-regulated county zoning for land around waterways, on floodplains.

MISSOURI: Twenty Regional Planning Commissions cover state; state action in land use planning will occur in response to passage of Federal legislation.

MONTANA: State projects require environmental impact statements; state promoting county subdivision regulation, drafting model regulations; counties must regulate floodplain development or state will step in.

NEBRASKA: Bill 465 would establish commission to draw land use map, make recommendations to legislature; Office of Planning and Programming has general land use policy designation, can intervene in planning of other state agencies; state supervises local floodplain zonings.

NEVADA: Senate Bill 131 would designate state planning agency with jurisdiction over critical areas, development of regional impact.

NEW JERSEY: Bills before legislature to reshape planning laws, institute county and state review of local plans, require permits for any coastal and offshore development, provide state acquisition and regulation of power plant sites; state requires floodplain zoning by December 1973 or will step in; state permit required for construction on wetlands; controversy raging over state 30-year plan for Hackensack Meadowlands near New York City.

NEW MEXICO: 1972 laws require county regulation of subdivisions over five lots (adequate water supply, waste systems, environmental safeguards); strip mining unregulated.

NEW YORK: With strong second-home development pressure, Adirondack Park Agency preparing land use plan for Park, which contains several local governments; Agency requires permits for development other than agricultural or forestry uses; state regulates power plant siting; 1971 law provides assessment of agricultural land by actual use; 1972 voter-approved \$175 million bond issue for state purchase of open space land.

NORTH CAROLINA: State study calls for action on land use policy, recommends no comprehensive state control over land use decisions, recommends no further growth be encouraged in urban centers.

OHIO: Bill would create office of state land planning in governor's office.

OKLAHOMA: Land use information system proposed in anticipation of Federal and state legislation.

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OREGON: Senate Bill 100 would establish commissions to regulate local, state planning process, regulate areas and activities of critical state concern; committee amendments will probably remove state regulatory authority over county plans, critical areas; 1969 law requires county comprehensive plans, zoning of unzoned areas.

PENNSYLVANIA: State-level studies on land use, no legislation yet; Department of Environmental Resources beginning 50-year master plan; officials say many small operators avoid strip mine permit law; legislature considering revised farm taxation.

RHODE ISLAND: Statewide Planning Program is only regional planning agency; Coastal Resources Management Council has permit authority over all development on wetlands, no master plan completed, no review of local plans or zoning required.

SOUTH CAROLINA: Interagency Work Group on Land Use appointed to recommend system for state; Interagency Council on Tidelands developing zoning plan for public, private tidelands.

SOUTH DAKOTA: Six substate planning districts created in 1970, three operational; strip mine law exempts many small operator.

TEXAS: Twenty-one planning regions, 24 Councils of Governments cover whole state; State Interim Coastal Zone Study Commission considering program including ban on sale or lease of coastal lands until land use plan developed, wetlands protection laws.

UTAH: Little-used 1970 law gives land use regulation authority to conservation districts; strip mining unregulated.

VERMONT: Capability and Development plan stating state land use objectives awaits legislative adoption; public hearings on State Land Use Plan which would classify all land as urban, rural residential, agricultural conservation (prime agricultural land), resource and agricultural conservation (secondary agriculture and forest lands) or reserve; regulations will be drawn for each land type, permits to be required for sale or development over 10 lots, contingent on adequate utilities, social services, environmental safeguards; 1972 Revised Subdivision Code requires sewer permits whenever two lots are sold (exempt: lots over 10 acres under 1500 feet elevation, lots over 20 acres less than 2500 feet elevation;) any development over 2500 feet requires review, approval of district environmental commission; 1966 law places five-year limit on existing land uses preempted by new zoning; current bills to provide taxation at actual use.

VIRGINIA: State study of critical environmental areas submitted to Advisory Legislative Committee, which will report on land use next year; protective taxation for agricultural, forest, open space lands; power facilities require impact statements, public hearings; local wetland zoning boards required with state review, landowner appeal.

WASHINGTON: 1972 voter-approved Shoreline Management Act requires local comprehensive plans and permit authority over state guidelines for development worth over \$1000 within 200 feet of streams, wetlands, lakes, ocean; governor certifies thermal power plant sites after state study, public hearings, impact statements.

WISCONSIN: Minimal state guidelines on floodplain and shore land zoning; limited state subdivision review; governor's committee last year recommended state land use control concentrating on areas of regional or state importance, emphasizing regional planning.

WYOMING: Not likely to enact state land use program without prior Federal legislation.

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